

Apple" (or "Pineapple-Apple," "Peach-Apple," or "Damson-Apple") "Contents 12 Ozs. Prepared By S. J. Van Lill Co., Baltimore, Md."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the label of the jars containing the said article, to wit, "Contents 12 Ozs.," was false and misleading and deceived and misled the purchaser in that the contents of the said jars was less than 12 ounces. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement, to wit, "Contents 12 Ozs.," was incorrect.

On March 9, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11407. Misbranding and alleged adulteration of canned oysters. U. S. v. 59 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17015. I. S. No. 7787-v. S. No. W-1248.)

On December 7, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 59 cases of canned oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dunbar-Dukate Co., New Orleans, La., September 16, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Eagle Brand Cove Standard Oysters Packed by Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss. Net Contents 5 Oz. Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the cans containing the article, "Net Contents 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 20, 1923, the Dunbar-Dukate Co., Inc., having entered an appearance as claimant for the property and having confessed judgment, a decree of condemnation and forfeiture was entered on the ground that the product was misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11408. Misbranding and alleged adulteration of canned oysters. U. S. v. 84 Cases and 49 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17039. I. S. Nos. 7797-v, 7798-v. S. No. W-1257.)

On December 16, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 133 cases of oysters at Tacoma, Wash., alleging that the article had been shipped by the Dunbar-Dukate Co., from New Orleans, La., March 8, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Cans) "Pelican Brand Cove Oysters Packed by Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss. Net Contents 8 Ounces Oyster Meat." The remainder of the article was labeled in part: (Cans) "Blue Jay * * * Oysters Packed By Dunbar-Dukate Co. * * * Net Contents 4 Ounces Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been substituted in part for the said article.